

A
CHEW OF TOBACCO,

FOR

CERTAIN GENTLEMEN

I N L I V E R Y.

QUID EST HOC?—HOC EST *QUID.*

BOURNE.

BY A MEMBER OF PARLIAMENT. ~

L O N D O N:

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*Gift of
Alfred C. Potter*

ADVERTISEMENT.

THE following little Piece would probably never have seen the light, had not notice been given in the House, a few days ago, by Mr. Sheridan, of his intention to make a Motion, relative to the Tobacco Bill, on Monday next the 8th instant.

MARCH 3, 1790.

ADVERTISING

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CHEW OF TOBACCO,

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NO one article ever engaged less of my thoughts than *tobacco*: I neither smoke, chew, or take snuff; yet I must acknowledge, that on the twenty-first day of January last, the day on which Parliament met, that same herb, called tobacco, afforded me no small degree of entertainment.

It was on that memorable day, that I read in the newspaper the resolutions and speeches of the Lord Mayor and the worthy livery, relative to the Tobacco Bill, entered into and spoken the day preceding, in common hall assembled.

The solemnity with which this respectable body of citizens met, the gravity

vity with which they looked at each other on this important occasion, (especially when a Patriotic Alderman shook his head, and so pathetically lamented the thinness of the meeting), I cannot call in question; yet there was something so thoroughly laughable in the *resolutions* themselves (let us say nothing of the *speeches*), that I must own they put me in mind of a convention once held by the learned and most reverend Doctors of the *Sorbonne*, to debate, 1st. Whether or no they ought to excommunicate sparrows for *doing their little wants* in churches? 2dly, Whether it would not be highly proper that midwives should baptize a *fœtus*? On which occasion *Lawrence Sterne*, of facetious memory, presents his compliments to the said Doctors, and hopes *they slept well*.

For my own part, I cannot see any thing more ridiculous in the anxiety of the holy Fathers of the *Sorbonne*, to
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maintain inviolate the rights and privileges of their temples against the profanation and contamination of sparrows dung, nor yet in their charitable alarms for the everlasting welfare of a *fœtus*, than our sagacious assembly of *tobacco stoppers* at Guildhall, manifested by their dreadful apprehensions that the Constitution was in danger, the rights and privileges of Englishmen invaded, and that great bulwark of British liberties, *trial by juries*, encroached upon, because an Act of Parliament has passed, empowering his Majesty's Commissioners of Excise and Justices of the Peace, to inquire into and to rectify frauds, abuses, and offences in the manufacturing and vending of tobacco, by which it is well known that the revenue has for a long time past been annually cheated out of several thousand pounds, smuggling carried on in the most barefaced, audacious manner, and *the real fair trader* much injured in his business.

But

But surely this venerable chamber of Aldermen, *learned in the law*, did not well consider, that by their zealous exclamation for juries to try every petty offence, they would not only render all proceedings whatever in a summary way impracticable and impossible, but would debar the subject of that very liberty, in a much higher degree, for which they fancy they are contending: For if Justices of the Peace, or Commissioners appointed by Parliament, were not empowered in innumerable instances to convict offenders upon due proof, then those offenders, if not able to procure immediate bail, as the case might be, must be shut up within the walls of a prison, from assize to assize, or from sessions to sessions (unless multitudes and multitudes of juries were kept sitting *de die in diem*, and courts of judicature continually thrown open throughout the whole kingdom), by which means, a
far

far greater punishment would often be inflicted perhaps on the innocent, than is now upon conviction adjudged to the guilty; for the prevention of which evil, in how many hundred cases has the law given power to two, and frequently to one justice, to hear and determine crimes and misdemeanors, which our modern refined patriots would have thought it right should have been tried by juries? To instance in all the laws relative to inns and alehouses; all the vagrant laws; all the highway and turnpike laws; all the game laws, including robbing fish-ponds, and destroying rabbits on warrens; all the poor laws, including making assessments and enforcing payment; distressing Quakers for non-payment of small tithes; all the laws relative to stealing wood, cutting trees, and injuring plantations; all differences between masters and servants; with a vast number more, where some-

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times

times one justice, sometimes two, are authorized to hear, adjudge, convict, levy fines, and imprison the body.

Indeed were not this the case, nothing but anarchy, licentiousness and confusion must be the consequence; and whilst one half of the kingdom would be breaking the laws, the other half must be impanelled on juries, or be employed in drawing up indictments,

Every Englishman knows how to prize the invaluable blessing of trial by juries, whereby his person and property are firmly secured from the caprice, malice, or mistake of a single person; but a sensible man will be satisfied with the line which the wisdom of the legislature has drawn in the appointment of those juries, and will not be deceived by looking upon that as a remedy in any case, which introduces greater evils than it redresses.

But

But the cry is gone forth ; a pipe of tobacco has set it on fire, and the bill itself is fit for nothing but to light pipes with, and therefore it ought to be repealed *in toto*. I am persuaded that the bill may be much mended, and wish that it may also be much curtailed.

As a proof that some amendment is necessary, there is one very curious clause, (p. 116. No. 177.) which forbids any dealer in tobacco or snuff, (whether of the masculine or *feminine* gender, any He or SHE) from acting as a justice of the peace, in any matter which concerns the execution of the powers given by that Act.

However, that this bill, with the wine and commutation acts together, the latter of which has trebled, and the other (the wine bill) doubled, the importation, have given a most effectual blow to smuggling, is what none of the enemies of these acts will deny: and

although the tobacco manufacturers complain of *mysteries* in the trade being made known, yet when it is considered that for the word *mysteries* we ought perhaps to substitute an *erratum*, and read *frauds*, we cannot wonder at the objections made by those manufacturers on this account, neither can we be surprised that they who drove a brisk trade without paying any duty to the revenue, should still wish to go on as they have done.

Three or four Petitions have been presented to the House against the Tobacco Bill. But from whence do they proceed? From parties interested, and who know full well that *their craft is in danger, and the hope of their gains gone*, if this bill should stand as a part of the law of the land. We can therefore no more marvel at these Petitioners, than we can at *Demetrius and the craftsmen*, when they cried out, That *the GREAT GODDESS*
DIANA

DIANA *was in danger*, and preferred making silver shrines for her altars to the establishment of Christianity.

It is certain that in this matter the Minister seems to run counter to the sense of the Representatives of the City of London. Yet what conclusion should we draw from hence, but that those Representatives having received their instructions from interested Constituents, who wisely prefer their own emolument to the public good, had their reasons for not wishing to disoblige them. We know that *passive obedience to Constituents* is the language of a certain honest and good-natured City Knight in all his speeches. But can it be proved, that in the whole of the business the Minister has not evidently checked fraud, encouraged fair-dealing, and greatly increased the revenue?

Can it be supposed that he (the Minister) does not wish, upon all occasions,
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to cultivate the strictest harmony and friendship with our great commercial City, well knowing, that on its flourishing trade and opulence depend the glory and welfare of the empire ; that its interests, and those of every upright Minister must be one and the same, and that on its support depends, in great measure, his own political existence : Whenever, therefore, he appears not wholly to acquiesce with any class or description of Citizens, or to differ with them in sentiment as to any particular branch of trade, or of the revenue, it is because his great mind, not dwelling merely on parts, but comprehending the whole at once, sees that what might tend to the advantage of a few, would prove to the hurt of many, especially of the community at large, either by affecting our credit, or injuring the revenue ; for the safety of both of which, when the City of London, and the nation in general do not feel a concern which outweighs lesser objects, and the private
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convenience of some, they lose sight of their true interests, and it is happy for them that they are not left wholly to act for themselves,

It will easily be perceived, that my principal aim has been to expose the monstrous absurdity of that popular outcry, "*The British Constitution is in danger!*" whenever an Act passes for preventing smuggling, the only way in which it can possibly be prevented, *viz.* by a summary proceeding before Justices of the Peace, or Commissioners of the Excise. I cannot conclude without observing, that there is a certain set of phrases which, according to the times, have been banded about in the House of Commons, and lugged in head and shoulders to serve all or any purposes; such as *Secret and Crown Influence, Back-stairs, a Fourth State, &c. &c. &c.* And now the cant-cry is, *The Constitution is in danger!* and that, by every extension of the Excise Laws,

Laws, we are breaking down that great bulwark of our Liberties, *Trial by Juries*. The ball is set a-going, till it reaches the populace, who readily kick it along, *vi-resque acquirit eundo*.

I remember, at the time of the American war, the price of many articles of life was very much enhanced, and the outcry was, "O! this American war has made every thing so extravagantly dear, that there is no living." The sound went east, west, north and south, and soon reached Bath, where an old woman who sold water-creffes, told her customers that she was obliged to raise the price of her merchandise, for that *this cursed American war had made water-creffes so plaguy dear that there were hardly any to be had for love or money.*

